

1 ROBERT W. FREEMAN
Nevada Bar No. 3062
2 Robert.Freeman@lewisbrisbois.com
E. MATTHEW FREEMAN
3 Nevada Bar No. 14198
Matt.Freeman@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant
7 *Officer Marissa Bachman*

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA, SOUTHERN DIVISION

10 ***

11 PERRY BRIAN OSHIRO,

12 Plaintiff,

13 vs.

14 M. BACHMAN,

15 Defendants.

CASE NO. 2:22-cv-2100-APG-BNW

**PROPOSED DISCOVERY PLAN AND
SCHEDULING ORDER**

16 Plaintiff and Defendant, by and through their counsel of record, hereby submit this
17 Discovery Plan and Scheduling Order:

18 On May 9, 2023 Defendant filed its Answer.

19 1. **Meeting.** Plaintiff is currently incarcerated at High Desert State Prison and
20 Defendant has been unable to contact him. For this reason, the parties were unable to hold a
21 meeting pursuant to FRCP 26(f) and LR 26-1(a). A copy of this proposed Scheduling Order has
22 been sent to Plaintiff via U.S. Mail for his approval and signature.

23 2. **Pre-Discovery Disclosures.** The parties will submit their documents in a timely
24 manner.

25 3. **Discovery Plan.** The parties jointly propose to the Court the following discovery
26 plan:

27 (a) **Subject of Discovery.** Discovery will be needed on the following
28

1 subjects:

2 Discovery will be needed on all of the claim and defenses in this
3 matter and all matters within the scope of Rule 26 of the Federal
4 Rules of Civil Procedure.

5 (b) Discovery Cut-Off Date(s). Discovery will take 181 days, measured from,
6 May 9, 2023. All discovery must be commenced in time to be completed
7 by *Monday, November 6, 2023*.

8 (c) FRCP 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed
9 as follows: Plaintiff and Defendants shall disclose their experts to each
10 other at least sixty (60) days before the discovery cut-off date, by *Thursday,*
11 *September 7, 2023*, which is 60 days before discovery cut-off. Plaintiff and
12 Defendants shall disclose their rebuttal experts at least thirty (30) days after
13 the initial date for disclosure of experts by *Monday, October 9, 2023*, which
14 is thirty-two (32) days after the initial expert disclosure. Further each party
15 agrees to make their experts available for deposition, and facilitate same,
16 prior to discovery cut-off.

17 (d) Alternative Dispute Resolution and Case Disposition. Pursuant to LR 26-
18 1(b)(8) and FRCP 73, the parties discussed trial by a magistrate judge and
19 the possibility of alternative dispute resolutions and the Short Trial
20 Program; the Plaintiff and the Defendant do not agree that any of the
21 foregoing are appropriate for this case.

22 (e) FRCP 26-1(b)(9) – Electronic Evidence. The parties certify that they have
23 discussed whether they intend to present evidence in electronic format to
24 jurors for the purposes of jury deliberation. Although not known at this
25 time which exhibits will be electronically presented, the parties stipulate
26 that they will provide discovery in an electronic format compatible with the
27 Court's electronic jury evidence display system. The parties stipulate that
28 they will contact the courtroom administrator for instructions about how to

1 prepare evidence in an electronic format and other requirements for the
2 Court's electronic jury evidence system.

3 **4. Other Items.**

- 4 (a) Interrogatories and depositions. The parties agree to the customary total
5 number of interrogatories of 25 per party; the parties may agree to more
6 interrogatories by mutual agreement or application to the Court. The parties
7 also agree to no more than ten (10) depositions by Plaintiff and no more
8 than ten (10) depositions by Defendants as provided in Rule 30(a)(2)(A)(i).
9 However, the parties may agree to more depositions by mutual agreement
10 or application to Court.
- 11 (b) Amending the Pleadings and Adding Parties. The parties have until
12 *Tuesday, August 8, 2023*, to file any motions to amend the pleadings or to
13 add parties. This is ninety (90) days prior to the discovery cut-off date.
- 14 (c) Settlement. The parties agree to confer prior to expert depositions to
15 discuss settlement options regarding any and all parties, including any new
16 parties.
- 17 (d) Court Conference. The parties do not request a conference with the
18 Court before entry of the scheduling order.
- 19 (e) Later Appearing Parties. A copy of this discovery plan and scheduling
20 order shall be served on any person served after it is entered, or, if
21 additional defendants should appear, within five (5) days of their first
22 appearance. This discovery plan and scheduling order shall apply to such
23 later-appearing parties, unless the Court, on motion and for good cause
24 shown, orders otherwise.
- 25 (f) Dispositive Motions. The parties shall have until *Wednesday, December 6,*
26 *2023*, to file dispositive motions. This does not exceed the outside limit of
27 thirty (30) days following the discovery cut-off date that LR 26-1(e)(4)
28 presumptively sets for filing dispositive motions.

January 5, 2024

(g) Pretrial Order. The pretrial order shall be filed by ~~Friday, December 8, 2023~~, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This date is suspended if the dispositive motions are timely filed. In such a case, the pretrial order shall be filed thirty (30) days after the Court files an Order on any dispositive motions. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

(h) Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made not later than twenty-on (21) days before the subject deadline and comply fully with LR 26-4

| Activity | Date |
|-----------------------------|--|
| Amend Pleadings | <i>Tuesday, August 8, 2023</i> |
| Expert Disclosures | <i>Thursday, September 7, 2023</i> |
| Rebuttal Expert Disclosures | <i>Monday, October 9, 2023</i> |
| Discovery Cut-Off Date | <i>Monday, November 6, 2023</i> |
| Dispositive Motions | <i>Wednesday, December 6, 2023</i> |
| Pretrial Order | <i>Friday, January 5, 2023 2024</i> |

...

...

...

...

...

...

...

1 APPROVED AS TO FORM AND CONTENT.

2 DATED this 6th day of June, 2023.

DATED this ____ day of _____, 2023.

3 LEWIS BRISBOIS BISGAARD & SMITH

4
5
6 /s/ Robert W. Freeman

ROBERT W. FREEMAN

7 Nevada Bar No. 3062

E. MATTHEW FREEMAN

8 Nevada Bar No. 14198

6385 S. Rainbow Boulevard, Suite 600

9 Las Vegas, Nevada 89118

10 *Attorneys for Defendant*

Las Vegas Metropolitan Police Department

No Response

PERRY BRIAN OSHIRO

1268976

HIGH DESERT STATE PRISON

P.O. Box 650

Indian Springs, Nevada 89018

Plaintiff in Proper Person

11
12
13 **ORDER**

14 IT IS SO ORDERED

15 DATED this 8th day of June, 2023.

16
17 
18 _____
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28